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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 3180/2016**

VANDANA

..... Petitioner

Represented by: **Mr. Vishnu Sharma, Advocate.**

versus

STATE & ANR.

..... Respondents

Represented by: **Ms. Rajni Gupta, APP for the
State with SI Yogesh Raj, PS
Prashant Vihar.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

24.10.2016

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1. The respondent No.2 was granted bail by this Court vide order dated 8th August, 2016 in case FIR No.5/2016 under Sections 498A/406/34/377/354A IPC registered at PS Prashant Vihar, Delhi. The order dated 8th August, 2016 reads as under:

“1. By this petition the petitioner seeks anticipatory bail in case FIR No.05/2016 under Sections 498A/406/34/377/354A IPC registered at PS Prashant Vihar.

2. The petitioner is the husband of the complainant. The allegations against the petitioner and his family members are that the petitioner besides the father-in-law, mother-in-law and sister –in-law mentally and physically tortured the complainant for not bringing sufficient dowry in the marriage. There are allegations of unnatural sex without the consent of the complainant and that the father-in-law misbehaved with the complainant. It is alleged that the husband made a video and threatened her to upload the same on internet. The return of istridhan is also sought.

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3. *To show his bona fide the petitioner has already deposited a sum of ₹20 lakhs in a fixed deposit with the Registrar General of this Court and has joined the investigation wherein he has handed over the mobile phone and laptop to the Investigating Agency.*

4. *It is, therefore, directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that he will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the court concerned.*

5. *The amount of ₹20 lakhs so deposited by the petitioner shall be kept by the Registrar General in a fixed deposit so that it earns interest and shall be subject to the final outcome of the proceedings in the above noted FIR or the Family Court or a settlement arrived at between the parties.*

6. *Petition is disposed of. Order dasti.”*

2. The petitioner who is the complainant in the above noted FIR has filed the present petition seeking cancellation of the bail primarily on the ground that the laptop and mobile phone which were used by respondent No.2 were not handed over to the Investigating Agency nor seized and this Court wrongly noted that the laptop and mobile phone of the respondent No. 2 have been seized in the order granting bail.

3. A status report has been filed which notes that during the course of investigation, the respondent No.2 had handed over a mobile phone HTC

and laptop Sony VAIO which he had been using since marriage and has been sent to FSL for expert opinion. It is also stated that after the grant of anticipatory bail to the respondent No.2 the petitioner came up with the plea that she was not summoned to identify the mobile phone and the laptop and some other mobile phone and laptop had been seized.

4. After the grant of anticipatory bail the petitioner has stated that the video clipping was made on the Apple I-Phone 6 and Sony VAIO Laptop. In view of these new facts, the respondent No.2 was interrogated again who informed that neither he nor his family members ever used Apple I-Phone 6 or Sony VAIO Laptop. It is apparent that the pleas taken by the petitioner are an afterthought to seek cancellation of bail.

5. Petition is accordingly dismissed.

MUKTA GUPTA, J.

OCTOBER 24, 2016
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